Submit by Certified Mail to: U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue, SW, Washington, DC 20585–0121. Submit by e-mail in PDF format (which shows original signature) to the U.S. Department of Energy, Buildings Technologies Program at: *certification.report.@ee.doe.gov*.

[75 FR 10968, Mar. 9, 2010]

APPENDIX B TO SUBPART S TO PART 431—CERTIFICATION REPORT FOR METAL HALIDE LAMP BALLASTS

All information reported in this Certification Report(s) is true, accurate, and complete. The company is aware of the penalties associated with violations of the Act, the regulations thereunder, and is also aware of the provisions contained in 18 U.S.C. 1001, which prohibits knowingly making false statements to the Federal Government.

Name of Company Official or Third-Party Representative:

_____

Signature of Company Official or Third-Party Representative:

_____

Title: _____
Date: _____
Equipment Type: _____
Manufacturer: _____

Name of Person to Contact for Further Information:

_____

Address: _____
Telephone Number: _____
Facsimile Number: _____
E-mail: _____

For Existing, New, or Modified Models: [Provide specific equipment information including, for each basic model, the product class, the manufacturer's model number(s), and the other information required in 431.327(a)(6)(i).]

For Discontinued Models: [Provide manufacturer's model number(s).]

Submit by Certified Mail to: U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Submit by E-mail to: U.S. Department of Energy, Buildings Technologies Program, *certification.report@ee.doe.gov*.

[75 FR 10968, Mar. 9, 2010]

APPENDIX C TO SUBPART S OF PART 431—ENFORCEMENT FOR PERFORMANCE STANDARDS; COMPLIANCE DETERMINATION PROCEDURE FOR METAL HALIDE LAMP BALLASTS

DOE will determine compliance as follows:

(a) After it has determined the sample size, DOE will measure the energy performance for each unit in accordance with the following table:

Sample size	Number of tests for each unit
4	1
3	1
2	2
1	4

(b) Compute the mean of the measured energy performance (x_l) for all tests as follows:

$$x_l = \frac{1}{n_l}\left\{\sum_{i=1}^{n_l} x_i\right\} \qquad [1]$$

Where x_i is the measured energy efficiency or consumption from test i, and n_l is the total number of tests.

(c) Compute the standard deviation (S_l) of the measured energy performance from the n_l tests as follows:

$$S_l = \sqrt{\frac{\sum_{i=1}^{n_l}\left(x_i - x_l\right)^2}{n_l - 1}} \qquad [2]$$

(d) Compute the standard error (Sx_l) of the measured energy performance from the n_l tests as follows:

$$S_{x_l} = \frac{S_l}{\sqrt{n_l}} \qquad [3]$$

(e)(1) For an energy efficiency standard, compute the lower control limit (LCL_l) according to:

$$LCL_l = EPS - ts_{x_l} \qquad [4a]$$

or

$$LCL_l = 97.5\ EPS \qquad [4b]$$

(whichever is greater)

(2) For an energy use standard, compute the upper control limit (UCL_l) according to:

$$UCL_l = EPS + ts_{x_l} \qquad [5a]$$

or
(whichever is less)

$$UCL_l = 1.025\ EPS \qquad [5b]$$

Where EPS is the energy performance standard and t is a statistic based on a 99-percent, one-sided confidence limit and a sample size of n_l.

(f)(1) Compare the sample mean to the control limit. The basic model is in compliance and testing is at an end if, for an energy efficiency standard, the sample mean is equal to or greater than the lower control limit or, for an energy consumption standard, the sample mean is equal to or less than the upper control limit. If, for an energy efficiency standard, the sample mean is less than the lower control limit or, for an energy consumption standard, the sample mean is greater than the upper control limit, compliance has not been demonstrated. Unless the manufacturer requests manufacturer-option testing and provides the additional units for such testing, the basic model is in noncompliance, and the testing is at an end.

(2) If the manufacturer does request additional testing and provides the necessary additional units, DOE will test each unit the same number of times it tested previous units. DOE will then compute a combined sample mean, standard deviation, and standard error as described above. (The "combined sample" refers to the units DOE initially tested plus the additional units DOE has tested at the manufacturer's request.) DOE will determine compliance or noncompliance from the mean and the new lower or upper control limit of the combined sample. If, for an energy efficiency standard, the combined sample mean is equal to or greater than the new lower control limit or, for an energy consumption standard, the sample mean is equal to or less than the upper control limit, the basic model is in compliance and testing is at an end. If the combined sample mean

does not satisfy one of these two conditions, the basic model is not in compliance.

[75 FR 10968, Mar. 9, 2010]

Subpart T—Certification and Enforcement

SOURCE: 75 FR 669, Jan. 5, 2010, unless otherwise noted.

§ 431.370 Purpose and scope.

This subpart sets forth the procedures to be followed for manufacturer compliance certifications of all covered equipment except electric motors, and for the Department's enforcement action to determine whether a basic model of covered equipment, other than electric motors and distribution transformers, complies with the applicable energy or water conservation standard set forth in this part. Energy and water conservation standards include minimum levels of efficiency and maximum levels of consumption (also referred to as performance standards), and prescriptive design requirements (also referred to as design standards). This subpart does not apply to electric motors.

§ 431.371 Submission of data.

(a) *Certification.* (1) Except as provided in paragraph (a)(2) of this section, each manufacturer or private labeler before distributing into the stream of commerce any basic model of covered equipment covered by this subpart and subject to an energy or water conservation standard set forth in this part, shall certify by means of a compliance statement and a certification report that each basic model meets the applicable energy or water conservation standard. Except as provided in paragraph (a)(2) of this section, each manufacturer or private labeler shall file a compliance statement and its first certification report with the Department on or before (180 days after the Department of Energy publishes a document in the FEDERAL REGISTER announcing OMB approval of the information collection requirements in § 431.371). The compliance statement, signed by the company official submitting the statement, and the certification report(s) shall be sent by certified mail to: U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121, or e-mailed to the Department at: *certification.report@ee.doe.gov*.

(2) Each manufacturer or private labeler of a basic model of commercial clothes washer, distribution transformer, traffic signal module, pedestrian module, and commercial prerinse spray valve shall file a compliance statement and its first certification report with the Department on or before (180 days after the Department of Energy publishes a document in the FEDERAL REGISTER announcing OMB approval of the information collection requirements in § 431.371).

(3) *Amendment of information.* If information in a compliance statement or certification report previously submitted to the Department under this section is found to be incorrect, each manufacturer or private labeler (or an authorized representative) must submit the corrected information to the Department at the address and in the manner described in this section.

(4) Notices designating a change of third-party representative must be sent to the Department at the address and in the manner described in this section.

(5) The compliance statement, which each manufacturer or private labeler need not submit more than once unless the information on the report changes, shall include all information specified in the format set forth in appendix A of this subpart and shall certify, with respect to each basic model currently produced by the manufacturer and new basic models it introduces in the future, that:

(i) Each basic model complies and will comply with the applicable energy or water conservation standard;

(ii) All representations as to efficiency in the manufacturer's certification report(s) are and will be based on testing and/or use of an AEDM in accordance with 10 CFR Part 431;

(iii) All information reported in the certification report(s) is and will be true, accurate, and complete; and

(iv) The manufacturer or private labeler is aware of the penalties associated with violations of the Act, the